



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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OFFICE OF  
ECOSYSTEMS, TRIBAL AND  
PUBLIC AFFAIRS

May 18, 2010

Mr. Ross Blanchard  
Federal Highway Administration, Idaho Division  
3050 N. Lakeharbor Lane, Suite 126  
Boise, Idaho 83703-6354

Mr. Jerry Wilson, P.E.  
Idaho Transportation Department  
600 W. Prairie Avenue  
Coeur d'Alene, Idaho 83815-8764

Re: US 95 Garwood to Sagle Final Environmental Impact Statement and  
Final Section 4(f) Evaluation 03-087-FHW.

Dear Mr. Blanchard and Mr. Wilson:

The U.S. Environmental Protection Agency has reviewed the US 95 Garwood to Sagle Final Environmental Impact Statement (FEIS) and Final Section 4(f) Evaluation. We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Thank you for accepting our comments during this waiting period before issuance of the Record of Decision (ROD).

We thank FHWA and ITD for the response to our comments on the Draft EIS and for additions made in the Final EIS. We are encouraged by the efforts to implement specific recommendations such as those pertaining to mitigation needs for impacts to ecological connectivity, and avoidance of wetland impacts. Our specific comments on the FEIS are included below.

**Aquatic resources**

**Least Environmentally Damaging Practicable Alternative (LEDPA).** We are concerned that identification of a LEDPA has been deferred to the future Clean Water Act Section 404 permitting process. Since the Corps has participated in the development of the EIS, it would be helpful to include some indication of the adequacy of the information and the analysis to support the selection of the preferred alternative as the LEDPA.

**Recommendation:** Prior to issuing the ROD, please coordinate with EPA and provide information and analysis to date that would indicate that the preferred alternative is indeed the LEDPA.

**Wetland mitigation.** We are encouraged that FHWA and ITD have begun purchasing wetland mitigation sites using the Special Experimental Program (SEP-15) (p. 9-118). However, other than mentioning the potential mitigation site on two parcels owned and managed by IDFG at the south end of Cocolalla Lake, FHWA has not explicitly identified the wetland and stream mitigation for the project. These decisions are deferred to the future when FHWA/ITD would do more design work and begin the 404 permit process. We recognize that the process is iterative, but we remain concerned that presently there is no determination that mitigation is available and feasible to compensate for wetland impacts. We understand that ITD has spent some effort on identifying potential wetland mitigation opportunities, and perhaps those will work out at a future time, but there is no certainty that those opportunities will be available when needed or that they will compensate for the wetland impacts. Stream mitigation must also be identified.

*Recommendation:* FHWA and ITD should commit to continuing to move forward with the process of acquiring and implementing acceptable wetland and stream mitigation.

### **Ecological connectivity**

We thank and commend FHWA and ITD for their commitment to constructing wildlife crossings and corridor fencing as part of the proposed project (p. 9-113). We understand (p. 9-107) that "ITD does not typically purchase property specifically for conservation of wildlife corridors outside of the required right-of-way." However, because so much of the land along the corridor is privately owned, atypical measures may be necessary to ensure that needed wildlife crossings are provided and movement corridors preserved as mitigation for project impacts. Preventing wildlife-vehicular collisions, particularly at known wildlife crossing and road kill hotspots, is a fundamental safety issue for both humans and wildlife and should be considered essential to meeting the project purpose and need for safety.

*Recommendation:* Incorporate the proposed wildlife crossings into project design. Take needed steps (including SEP 15 and other means) at the earliest possible time to secure adequate right-of-way that includes wildlife movement corridors or portions thereof that would ensure the safe passage and successful movement of wildlife beyond the roadway corridor to suitable habitat areas. Where possible, combine these acquisitions with those needed for stream and wetland impacts mitigation.

### **Public transit and transportation demand management (TDM)**

The Action Alternatives are projected to increase the greenhouse gas (GHG) emissions in the project corridor by 1.2% by year 2030. We appreciate the analysis and disclosure of this information. In addition to this information, we believe that proposed projects such as this one should explore ways to reduce GHG emissions, since, on a global basis, we have exceeded the threshold of harm from GHGs in the atmosphere, and because we should make every effort to meet national GHG reduction commitments.

To address this, we encourage FHWA and IDT to work with Kootenai and Bonner Counties, the cities, and any existing local transit agencies to consider providing transit service and other TDM strategies such as carpooling in the project corridor. Existing information on traffic volumes in the corridor could be combined with origin-destination studies to inform transit and TDM planning.

**Recommendation:** Collaborate with local government and transit entities to develop means to reduce vehicle miles travelled (VMT) and GHG emissions in the project corridor. Conduct origin-destination studies to inform TDM and transit planning.

We understand that none of the action alternatives would preclude the development of transportation system management (TSM), TDM, or transit measures in the future. However, we are aware of no movement to establish these features. We encourage FHWA, WSDOT, and local land use planning and transit partners to evaluate the potential for constructing transit pull outs, park and ride lots, and other amenities at strategic locations along the project corridor as part of the proposed project. We encourage early identification and acquisition of Park and Ride facilities along the corridor so that development, which is anticipated to occur, does not preclude and/or unduly increase the cost for such facilities.

**Recommendation:** Explore with local partners how current and future transit facility needs, such as transit pullouts and Park and Ride facilities, could be integrated and implemented with construction of the proposed project.

#### **Air quality**

The FEIS (p. 4-38) states that "The extent to which these speed-related emission decreases would offset VMT-related emission increases cannot be reliably projected due to the inherent deficiencies of technical models." In the next paragraph, the FEIS then states that "MSAT emissions in the study area are likely to be lower in the future in nearly all cases." These two statements are difficult to reconcile. In reality the mobile source air toxics (MSAT) concentrations can be estimated with dispersion models such as CAL3QHC. These models combine the effects of changes in speed, traffic volumes, fleet mix, and fleet age to predict near roadway pollutant concentrations. Without dispersion modeling, conclusions on MSAT impacts are harder to support. EPA's new MOVES2010 emissions model provides greater insights on the impacts for project level speed changes. For example, unlike MOBILE6.2, MOVES2010 PM emissions are sensitive to speed.

**Recommendation:** Consider using MOVES2010 and CAL3QHC to improve analysis and disclosure of project-related air quality impacts.

**Construction impacts.** The FEIS states that standard construction specifications would be used to mitigate construction air quality impacts. Standard specifications tend to focus mainly on dust control measures. Construction activities are a significant source of air toxics. In the case of the proposed project, a phased construction scenario is anticipated, which could potentially result in long term impacts to near roadway populations. We urge that additional efforts be made to minimize air toxics, diesel exhaust, and particulate matter from construction activities. Construction impacts may be of sufficient magnitude that diesel retrofits and other air quality construction mitigation measures should be required in construction contracts. U.S. DOT CMAQ money can be used to help fund diesel retrofits and there are many examples of construction retrofit contract language across the Country.

*Recommendations:*

- Commit to a full suite of air quality construction mitigation measures to avoid and minimize construction-related emissions to the extent possible.
- Require retrofitting of construction equipment in construction contracts.
- See the Clean Construction USA website at <http://www.epa.gov/otaq/diesel/construction/> for many examples of construction mitigation measures, case studies, and examples of institutional arrangements for implementing this mitigation.

**Environmental justice**

We are concerned that the Sagle Yellow alignment options, which are similar to the preferred alternative, would result in aesthetic effects disproportionately borne by low-income residents (p. 4-29, 4-32). The aesthetic effects would essentially be the loss of vegetation and relatively open vistas in exchange for a more confined, paved environment with views dominated by the freeway structure and potentially a sound wall. The FEIS concludes these effects are not disproportionately high and adverse because the residents are not displaced and because the human and environmental effects are low or moderate. However, studies find that vegetation, such as street trees, improve air quality and have many positive effects on human mental and physical health and behavior (Burden, 2008). Replacing existing vegetation and vistas with concrete could, therefore, result in substantial negative effects on human well being.

It is helpful that on page 4-109, the FEIS discusses features of the preferred alternative that would improve the foreground and middleground visual quality in the Sagle Area for nearby residents, discusses other potential improvements to visual quality that could be gained, and lists general project mitigation measures for visual quality.

*Recommendation:* In addition to eliminating the railroad overpass to Davis Road and the access road on the east side of the railroad, apply the other mitigation measures listed in the FEIS, including preserving existing vegetation, enhancement with new plantings to screen walls, and other context sensitive measures to mitigate the aesthetic impacts on Sagle Area residents.

**New connector roads**

In the Noise section of the FEIS (p. 4-42, 4-43), six new connector roads are identified as being included in the preferred (Modified Brown) alternative. These may be the local roads mentioned in Chapter 2, p. 2-23. The FEIS lacks specific analysis of these new roads or road segments, and it is unclear whether there are associated impacts that still need to be analyzed and disclosed. The EIS should clearly indicate with a map where the six new road segments are located, provide their length, and discuss any associated impacts to aquatic resources, land use, species, habitats, including new habitat fragmentation effects, or other impacts.

*Recommendation:* Quantify and disclose the above information or identify where it has been sufficiently addressed in the NEPA document. Factor this information into decision making regarding project alignment, design, and mitigation.

**Hazardous materials sites**


The FEIS (p. 4-106) states that the Yellow Alternative in the Westmond Area would displace the Chevron gas station, which is a hazardous materials site with an underground

storage tank (UST). All other alternatives, including the preferred alternative, would avoid this site. EPA encourages FHWA and ITD to consider using, rather than avoid, this hazardous materials site because clean up and re-use of the site would remove the existing threat to the vulnerable ground water aquifer, would make beneficial use of this potential "brownfield" site, and would avoid using a more intact site for the roadway project.

*Recommendation:* Consider using the Yellow Alternative route through Westmond Area or modifying the preferred alternative to include the Chevron gas station site in the project right-of-way.

Thank you for the opportunity to participate in the US 95 Garwood to Sagle project. If you have questions or would like to discuss these comments, please contact me at, 206-553-1601 or Elaine Somers of my staff at, 206-553-2966.

Sincerely,



Christine B. Reichgott, Manager  
Environmental Review and Sediment Management Unit